

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

JOSEPH DENNY NEZPERCE, V,

Cause No. CV 22-18-H-SEH

Plaintiffs,

vs.

ORDER

STATE OF MONTANA; TODD
BOESE; PAUL REES; A.P.R.N.
STEPHANIE CATRON,

Defendants.

Plaintiff Joseph Denny Nezperce V (“Nezperce”) filed this action on March 3, 2022. He was advised of defects in the pleading.¹ An Amended Complaint was filed.²

Nezperce asserts he has not received adequate medical care for a shoulder injury, that three medical providers reached a consensus on his treatment, but that one provider recommended a “different level of care.”³

¹ Doc. 4 at 1–2; *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam); *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012).

² Doc. 6.

³ Doc. 6 at 5.

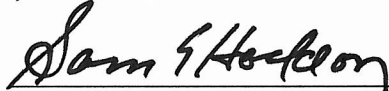
Treatment regimens including range-of-motion exercises, pain management via NSAIDs, and evaluation for chronic shoulder complaints have been recommended.⁴ Diagnostic x-rays were conducted. Providers have not recommended surgery. Lack of due care, or unreasonable conduct by a provider is not alleged.⁵

The case lacks merit. An appeal is unwarranted.⁶

ORDERED:

1. The Amended Complaint is DISMISSED without leave to amend.
2. The Clerk of Court shall enter, by separate document, a judgment of dismissal with prejudice.
3. The Court CERTIFIES that any appeal of this disposition would not be taken in good faith.

DATED this 21st day of March, 2022.



SAM E. HADDON
United States District Judge

⁴ Doc. 6-1 at 14, 16.

⁵ *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Gordon v. County of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018); *Castro v. County of Los Angeles*, 833 F.3d 1060, 1071 (9th Cir. 2016) (en banc).

⁶ Fed. R. App. P. 24(a)(3)(A), (4)(B).